

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

City of Emeryville

2200 Powell St. 12 flr.

Emeryville CA. 94608

ATTN: Juan C. Arreguin

COPY OF DOCUMENT RECORDED	
ON JUL 01 1997	AS NO. 97163553
HAS NOT BEEN COMPARED WITH ORIGINAL	
ALAMEDA COUNTY RECORDER	

THIS SPACE FOR RECORDER'S USE ONLY

First Amendment To Covenant of Deed Restriction
TITLE OF DOCUMENT

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

(Govt. Code 27361.6)

(Additional recording fee applies)

The Department of Toxic Substances Control (DTSC) and the City of Emeryville (City) entered into a Covenant to Restrict Use of Property (Covenant), dated June 21, 1996. DTSC and City hereby agree to amend this Covenant by adding an Exhibit A-1 to this Covenant. Exhibit A-1 is as follows:

The Site also includes land located in the City of Emeryville, Alameda County, consisting of a portion of the following parcels required for the construction of the Bay Street Extension directly north of Powell Street to 64th Street, and adjacent to the western line of the Southern Pacific Transportation Company right-of-way:

APN# 49-1492-10
APN# 49-1493-9
APN# 49 1493-10
APN# 49-1493-11
Bay Street Public Right-of-Way
Shellmound Street Public Right-of-Way

A map of the parcels and approximate project limits is attached hereto.

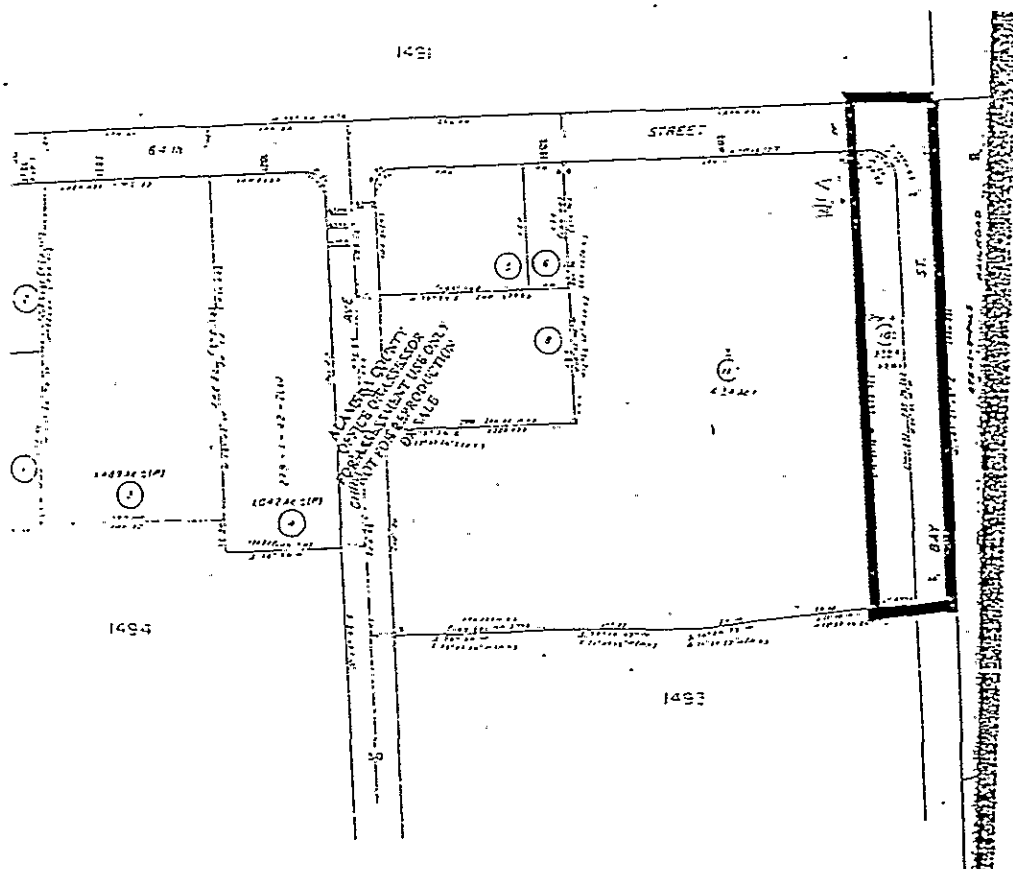


EXHIBIT A-1

1493

Scale: 1"=100'

Sale Map No. 1 - Salt Marsh & Tidelands (Case 1-9-21) (Portion Section 15, T. 1 S.
R. M. 5303 174/98
Record of Survey (R.S. 845 Pg. 43)

Revised 6-2-78 P.B.
5-3-83 M.
5-3-84 B.V.
5-8-88 P.D.
5-18-94 M.V.

1' Drive 7-66 H.L.

1' = 160'

1494

ALAMEDA COUNTY
OFFICE OF ASSESSOR
FOR ASSESSMENT USE ONLY
NOT FOR REPRODUCTION
OR SALE

10
8.32 Ac.

1008 Ac.

1492 Ac. (P)

11
2.01 Ac.

Lot 27

Lot 28

POWELL

STREET

149.
00

RAILROAD

ST.

8

SOUTHERN

412-1-9-3

PACIFIC

100'

County Portion Block 1514

EXHIBIT A1

Except as hereby amended by this First Amendment to Covenant to Restrict Use of Property, the provisions of the Covenant remain in full force and effect.

Barbara J. Cook
Barbara J. Cook, P.E., Chief
Northern California
Coastal Cleanup Operations Branch
Department of Toxic Substances Control

Date: 6/19/97

John A. Flores
John A. Flores
City Manager
City of Emeryville

Date: 6-17-97

Approved as to Form:

Orchid Kwei 4/28/97
Orchid Kwei
Office of Legal Counsel
Department of Toxic Substances Control

Michael G. Biddle
Michael G. Biddle
Asst City Attorney
City of Emeryville

Except as hereby amended by this First Amendment to Covenant to Restrict Use of Property, the provisions of the Covenant remain in full force and effect.

Barbara J. Cook, P.E., Chief
Northern California
Coastal Cleanup Operations Branch
Department of Toxic Substances Control

Date: _____

John A. Flores
City Manager
City of Emeryville

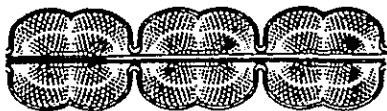
Date: 6-29-97

Approved as to Form:

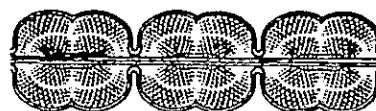
Orchid Kwei 6/25/97
Orchid Kwei
Office of Legal Counsel
Department of Toxic Substances Control

Michael G. Biddle
City Attorney
City of Emeryville

CALIFORNIA



ALL-PURPOSE



ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

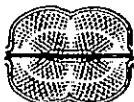
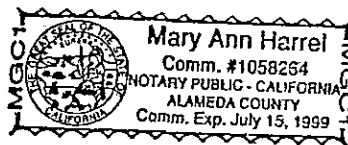
COUNTY OF Alameda)

On 6-19-97 before me, Mary Ann Harrel, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

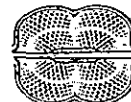
personally appeared, BARBARA J. COOK
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Mary Ann Harrel (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION



TITLE OR TYPE OF DOCUMENT First Amendment to Covenant to Restrict Use of Property

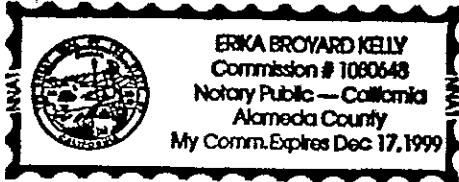
DATE OF DOCUMENT — NUMBER OF PAGES 4

SIGNER(S) OTHER THAN NAMED ABOVE Flores, Renee, Cho

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Alameda
On June 29, 1997 before me, Erika Brayard Kelly
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared John A. Flores
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Erika Brayard Kelly
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: First Amendment to Covenant to Restrict of Property ^{USE}
Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: Cook, Kwei, CNO

Capacity(ies) Claimed by Signer(s)

Signer's Name: John A. Flores

- ☐ Individual
☒ Corporate Officer
Title(s): City Manager
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:

City of Emeryville

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:

